

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

PETER WILSON, individually and on	§	
behalf of all others similarly situated,	§	
<i>Plaintiff,</i>	§	
	§	
vs.	§	CIVIL ACTION NO. 4:24-CV-04003
	§	
TEXONA MARKETING, LLC d/b/a	§	
COLLINS GHOSTWRITING,	§	
<i>Defendant.</i>	§	

**DEFENDANT TEXONA MARKETING, LLC'S ANSWER AND DEFENSES TO
PLAINTIFF'S ORIGINAL COMPLAINT**

Defendant Texona Marketing, LLC (hereinafter collectively referred to as "Defendant" or "Yakkala") respectfully files this Answer and Defenses to Plaintiff's Original Complaint. The following sections and numbered paragraphs correspond to the sections and numbered paragraphs in Plaintiff's Original Complaint. To the extent the allegations within Plaintiff's Original Complaint are not expressly admitted, they are hereby denied.

I. INTRODUCTION

PARAGRAPH NO. 1:

Paragraph 1 contains legal conclusions that need not be admitted or denied.

PARAGRAPH NO. 2:

Paragraph 2 contains legal conclusions that need not be admitted or denied.

PARAGRAPH NO. 3:

Defendant denies that it has violated the Telephone Consumer Protection Act ("TCPA").

PARAGRAPH NO. 4:

Defendant denies that it made illegal telemarketing calls and that Plaintiff qualifies as a class representative for the alleged claims.

II. PARTIES

PARAGRAPH NO. 5:

Defendant lacks knowledge or information sufficient to form a belief about the truth of Plaintiff's allegations in Paragraph No. 5.

PARAGRAPH NO. 6:

Defendant admits the allegations of Paragraph No. 6.

III. JURISDICTION AND VENUE

PARAGRAPH NO. 7:

Paragraph 7 contains legal conclusions that need not be admitted or denied.

PARAGRAPH NO. 8:

Defendants admits the allegations of Paragraph 8.

PARAGRAPH NO. 9:

Defendants admits the allegations of Paragraph 9.

IV. FACTS

A. Enactment of the TCPA and its Regulations

PARAGRAPH NO. 10:

Paragraph 10 contains legal conclusions that need not be admitted or denied.

PARAGRAPH NO. 11:

Paragraph 11 contains legal conclusions that need not be admitted or denied.

PARAGRAPH NO. 12:

Paragraph 12 contains legal conclusions that need not be admitted or denied.

PARAGRAPH NO. 13:

Paragraph 13 contains legal conclusions that need not be admitted or denied.

PARAGRAPH NO. 14:

Paragraph 14 contains legal conclusions that need not be admitted or denied.

B. Unsolicited Telemarketing to Plaintiff

PARAGRAPH NO. 15:

Paragraph 15 contains allegations that need not be admitted or denied.

PARAGRAPH NO. 16:

Defendant lacks knowledge or information sufficient to form a belief about the truth of Plaintiff's allegations in Paragraph No. 16.

PARAGRAPH NO. 17:

Defendant lacks knowledge or information sufficient to form a belief about the truth of Plaintiff's allegations in Paragraph No. 17.

PARAGRAPH NO. 18:

Defendant lacks knowledge or information sufficient to form a belief about the truth of Plaintiff's allegations in Paragraph No. 18.

PARAGRAPH NO. 19:

Defendant lacks knowledge or information sufficient to form a belief about the truth of Plaintiff's allegations in Paragraph No. 19.

PARAGRAPH NO. 20:

Defendant admits that text messages were sent to Plaintiff.

PARAGRAPH NO. 21:

Defendant denies Plaintiff's allegations that he never inquired about Defendant's services, and that Plaintiff was contacted out of the blue.

PARAGRAPH NO. 22:

Defendant denies that it sent incessant text messages.

PARAGRAPH NO. 23:

Defendant admits the allegations of Paragraph 23.

PARAGRAPH NO. 24:

Paragraph 24 contains legal conclusions that need not be admitted or denied.

PARAGRAPH NO. 25:

Paragraph 25 contains allegations that need not be admitted or denied.

PARAGRAPH NO. 26:

Defendant denies any alleged violations under the TCPA and lacks knowledge or information sufficient to form a belief about the truth of Plaintiff's allegations in Paragraph No. 26.

PARAGRAPH NO. 27:

Defendant denies the allegations of Paragraph No. 27.

PARAGRAPH NO. 28:

Defendant admits that, despite Plaintiff's inquiry into Defendant's services, no business was conducted between the parties.

PARAGRAPH NO. 29:

Defendant denies the allegations of Paragraph 29.

PARAGRAPH NO. 30:

Defendant denies the allegations of Paragraph 30.

PARAGRAPH NO. 31:

Defendant lacks knowledge or information sufficient to form a belief about the truth of whether the redacted alleged phone number by Plaintiff was his private, residential cell phone.

PARAGRAPH NO. 32:

Defendant denies the allegations of Paragraph 32.

V. CLASS ACTION ALLEGATIONS

PARAGRAPH NO. 33:

Defendant denies any violations of the TCPA and sending any unsolicited text messages to Plaintiff or any person on the National Do Not Call Registry. Paragraph 33, otherwise, contains allegations and legal conclusions that need not be admitted or denied.

PARAGRAPH NO. 34:

Paragraph 34 contains allegations and legal conclusions that need not be admitted or denied.

PARAGRAPH NO. 35:

Defendant denies any violations of the TCPA and sending any unsolicited text messages to Plaintiff or any person on the National Do Not Call Registry. Paragraph 35, otherwise, contains allegations and legal conclusions that need not be admitted or denied.

PARAGRAPH NO. 36:

Defendant denies any violations of the TCPA and sending any unsolicited text messages to Plaintiff or any person on the National Do Not Call Registry.

PARAGRAPH NO. 37:

Defendant denies the allegations of Paragraph 37.

PARAGRAPH NO. 38:

Defendant denies the allegations of Paragraph 38.

PARAGRAPH NO. 39:

Defendant denies the allegations of Paragraph 39.

PARAGRAPH NO. 40:

Defendant denies the allegations of Paragraph 40.

PARAGRAPH NO. 41:

Paragraph 41 contains allegations and legal conclusions that need not be admitted or denied.

PARAGRAPH NO. 42:

Defendant denies any violations of the TCPA and sending any unsolicited text messages to Plaintiff or any person on the National Do Not Call Registry. Paragraph 42, otherwise, contains allegations and legal conclusions that need not be admitted or denied.

PARAGRAPH NO. 43:

Defendant denies any violations of the TCPA and sending any unsolicited text messages to Plaintiff or any person on the National Do Not Call Registry. Paragraph 43, otherwise, contains allegations and legal conclusions that need not be admitted or denied.

PARAGRAPH NO. 44:

Defendant lacks knowledge or information sufficient to form a belief about the truth of Plaintiff's allegations in Paragraph No. 44.

PARAGRAPH NO. 45:

Defendant lacks knowledge or information sufficient to form a belief about the truth of Plaintiff's allegations in Paragraph No. 45.

PARAGRAPH NO. 46:

Defendant denies the allegations of Paragraph 46.

PARAGRAPH NO. 47:

Defendant denies the allegations of Paragraph 47.

**FIRST CAUSE OF ACTION
Telephone Consumer Protection Act
Violations of 47 U.S.C. § 227(c)(5) & 47 C.F.R. § 64.1200(c)
(On Behalf of Plaintiff and the National Do Not Call Registry Class)**

PARAGRAPH NO. 48:

Defendant repeats its responses to prior allegations of Plaintiff's Complaint.

PARAGRAPH NO. 49:

Defendant denies the allegations of Paragraph 49.

PARAGRAPH NO. 50:

Defendant denies the allegations of Paragraph 50.

PARAGRAPH NO. 51:

Defendant denies the allegations of Paragraph 51.

PARAGRAPH NO. 52:

Defendant denies the allegations of Paragraph 52.

PRAYER

Defendant Texona Marketing, LLC prays that Plaintiff takes nothing by this action, that Defendant recover its costs, and that Defendant be granted such other and further relief to which it may show itself to be justly entitled.

Dated: January 9, 2025

Respectfully submitted,

/s/ Ali A. Hakeem

Ali A. Hakeem

Of Counsel

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Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on January 9, 2025, I electronically filed the foregoing with the clerk of the court using the CM/ECF system, which will send notification of such filing to the following:

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/s/ Ali A. Hakeem

Ali A. Hakeem